

FILED

MAY 27 2014


SECRETARY, BOARD OF
OIL, GAS & MINING**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF BERRY PETROLEUM COMPANY, LLC, A WHOLLY OWNED SUBSIDIARY OF LINN ENERGY, LLC, AS SUCCESSOR IN INTEREST TO BERRY PETROLEUM COMPANY, FOR AN ORDER FORCE-POOLING THE INTERESTS OF ALL OWNERS REFUSING OR FAILING TO BEAR THEIR PROPORTIONATE SHARE OF THE COSTS OF DRILLING AND OPERATING THE WELLS LOCATED IN THE DRILLING AND SPACING UNITS IN THE E $\frac{1}{2}$ OF SECTION 5 AND ALL OF SECTION 7 IN TOWNSHIP 6 SOUTH, RANGE 4 WEST, USM, DUCHESNE COUNTY, UTAH.

**MOTION TO STRIKE DIVISION OF OIL,
GAS AND MINING'S HEARING
MEMORANDUM****Docket No. 2014-012****Cause No. 272-04**

Berry Petroleum Company, LLC, a wholly owned subsidiary of LINN Energy, LLC, as successor in interest to Berry Petroleum Company ("Petitioner"), by and through its attorneys, Holland & Hart, LLP, pursuant to Utah Admin. Code R641-105-300, hereby request the Utah Board of Oil, Gas and Mining (the "Board") for an order striking the Utah Division of Oil, Gas and Mining's Hearing Memorandum filed on May 22, 2014, as an untimely response under Utah Admin. Code R641-105-200. A Memorandum filed herewith.

Respectfully submitted this 27th day of May, 2014.

BERRY PETROLEUM COMPANY, LLCBy 

A. John Davis

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Salt Lake City, UT 84101

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Attorneys for Petitioner, Berry Petroleum
Company, LLC

Petitioner's Address:

Berry Petroleum Company, LLC
1999 Broadway Street, Suite 3700
Denver, CO 80202
Telephone (303) 999-4400
Attn: Terry L. Laudick, Landman

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of May, 2014, a true and correct copy of the foregoing **MOTION TO STRIKE DIVISION OF OIL, GAS AND MINING'S HEARING MEMORANDUM** was mailed, postage prepaid, to the following:

United States of America
% Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt lake City, Utah 84101

Michael S. Johnson, Esq.
Assistant Attorney General
Attorney for the Board of Oil,
Gas and Mining
1594 West North Temple, Suite 300
P.O. Box 145801
Salt Lake City, Utah 84114-5801

United States of America
% Ashley National Forest
Supervisor's Office
355 North Vernal Ave.
Vernal, UT 84078

The estate of Mary Alice Pendleton Poindexter
4805 Tacoma Blvd.
Shreveport, LA 71107

Burlington Resources Oil & Gas Company, LP
P.O. Box 51810
Midland, TX 79710

HEP Partners LP
500 W Illinois #100
Midland, TX 79701

United States of America
Bureau of Land Management
Vernal Field Office
170 South 500 East
Vernal, UT 84078

Steve Alder
Assistant Attorney General
Attorney for the Division of Oil,
Gas and Mining
1594 West North Temple, Suite 300
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Vintage Petroleum, Inc.
State Federal Building
502 S. Main, Suite 400
Tulsa, OK 74103

Southland Energy Corp.
1710 Fourth National Bank Building
16 West 6th Street
Tulsa, OK 74119

Donna A. Gillespie
19402 West 57th Circle
Golden, CO 80403

Burton/Hawks Inc.
P.O. Box 359
Casper, WY 82602

Enterprise Gas Company
2727 N. Loop West
Houston, TX 77210

Talisman Oil & Gas Co.
5757 Alpha Rd., Suite 920
Dallas, TX 75240

Eagle Ridge Oil & Gas, Inc.
8517 S. 77th E. Place
Tulsa, OK 74133

Pinnacle Home Owner's Association
P.O. Box 270110
Fruitland, UT 84027

T. Keith Marks
475 Capitol Life Center
Denver, CO 80203

W.A. Gillespie
10708 Zuni Drive
Westminster, CO 80234-3161

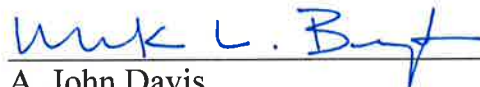
Allen Revocable Trust, created under
Agreement dated May 4, 2006
1513 Aylesbury Lane
Plano, TX 75075

Alexandra Ziesler
alibritt@yahoo.com
[no address provided, sent via e-mail]

Respectfully submitted this 27th day of May, 2014.

BERRY PETROLEUM COMPANY

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